

CA NO. 22-50048
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN DUARTE,

Defendant-Appellant.

DC NO. 2:20-cr-00387-AB-1

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S OPENING BRIEF**

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE ANDRE BIROTTE, JR.
United States District Judge

CUAUHTEMOC ORTEGA
Federal Public Defender
SONAM HENDERSON
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone: (213) 894-2854
Facsimile: (213) 894-0081
Email: Sonam_Henderson@fd.org

Attorneys for Defendant-Appellant

CA NO. 22-50048
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEVEN DUARTE,

Defendant-Appellant.

DC NO. 2:20-cr-00387-AB-1

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S OPENING BRIEF**

Appellant Steven Duarte respectfully requests a 10-day extension of time, to and including Monday, January 30, 2023, to file his opening brief. This request is made under Rule 31 of the Federal Rules of Appellate Procedure and Circuit Rule 31-2.2(b), and is based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: January 13, 2023

By /s/ Sonam Henderson

SONAM HENDERSON
Deputy Federal Public Defender
Attorney for Defendant-Appellant

DECLARATION OF SONAM HENDERSON

I, Sonam Henderson, hereby declare:

I am a Deputy Federal Public Defender in the Central District of California, and am responsible for the preparation of the briefing for appellant Steven Duarte. I request a 10-day extension of time to file his opening brief. The current deadline for filing the brief is Friday, January 20, 2023, and with the requested extension, the brief would be due Monday, January 30, 2023. This is my fourth request for an extension: the brief was originally due August 24, 2022, and I extended that deadline via a streamlined extension, and then one motion for a 60-day extension and another for a 59-day extension. All transcripts have been prepared, and no reporter is in default.

This appeal arises from Mr. Duarte's conviction after trial and sentence on a charge of violating 18 U.S.C. § 922(g). Mr. Duarte is in custody serving his 51-month sentence in this case. The Bureau of Prisons lists his expected release date as July 4, 2024.

I have done substantial work on this appeal and still hope to file it by the current due date. However, because I am not sure I will be able to get it done in the time remaining even with the exercise of diligence, and because I am conscious of the requirement of Rule 31-2.2(b) that motions to extend be filed 7 days before the current deadline, I am making this request for a brief extension now. Since my last request for an extension, I (among other things) presented oral argument in

United States v. Elmezayen, CA No. 21-50057 (on December 8, 2022), and *United States v. Ceja Medina*, CA No. 19-50345 (yesterday); filed the opening brief in *United States v. Dorantes*, CA No. 22-50193; and spent time consulting with two different trial teams for upcoming trials. I also navigated an illness and was out of town with my family for holiday travel. Upcoming, I have oral arguments on successive days of the February Pasadena calendar in *United States v. Lucas*, CA No. 22-50064 (February 15, 2023), and *United States v. St. Clair*, CA No. 21-50286 (February 16, 2023).

The requested time will allow me to undertake the work necessary to complete the briefing in this case while also fulfilling my other responsibilities. I have been diligent in this case, and I expect to file the brief by or before the requested date.

I have consulted by email with Assistant United States Attorneys Juan Rodriguez and Kyle Kahan, counsel for the government in this case. They have informed me that the government has no objection to this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 13, 2023, in Los Angeles, California.

By /s/ Sonam Henderson
SONAM HENDERSON
Deputy Federal Public Defender